

**United States District Court**  
**EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

STEVEN CONE, ET AL.,

Plaintiffs,

v.

VORTENS, INC., SANITARIOS LAMOSA  
S.A. DE C.V., and PORCELANA CORONA  
DE MEXICO, SA. DE C.V.,

Defendants.

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Civil Action No. 4:17-cv-001  
(Judge Mazzant/Judge Johnson)

**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE AND ORDER OF PARTIAL DISMISSAL**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On December 11, 2017, the report of the Magistrate Judge (Dkt. #58) was entered containing proposed findings of fact and recommendations that the individual claims asserted by Plaintiffs Steven Cone, Joanna Cone, Michael Aftosmes, and Kimberly Aftosmes should be dismissed pursuant to the Joint Motion for Order of Partial Dismissal with Prejudice Pursuant to Private Agreement (the “Joint Motion”) (Dkt. #56) filed by the above-referenced Plaintiffs and Defendant Porcelana Corona de Mexico, S.A. de C.V. f/k/a Sanitarios Lamosa S.A. de C.V. a/k/a Vortens’ (“Defendant”). The remaining plaintiffs agree to the dismissal of these plaintiffs. *See* Dkt. #56.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED** that the Joint Motion (Dkt. #56) is **GRANTED**, and the individual claims asserted by Plaintiffs Steven Cone, Joanna Cone, Michael Aftosmes, and Kimberly Aftosmes are hereby **DISMISSED WITH PREJUDICE**, with each party to bear its own costs. The claims of the remaining plaintiffs, including those alleged to be similarly situated, remain pending at this time.

**IT IS SO ORDERED.**

**SIGNED this 29th day of December, 2017.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE